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## THE ILLEGITIMATE FAMILY

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In the following discussion, the phrase "the illegitimate family" is used deliberately. Hitherto our attention has been very largely confined to the illegitimate child and its mother and we have ignored the fact that there is in every case a *family* involved, father, mother and child or children, and that they must all be considered before any adequate plan can be made *with* them. True as it is that in the eyes of the state no family has been formed, yet it is equally true that biologically the child has a father as well as a mother and it is being realized more and more clearly that socially too the child has a father with definite responsibilities and privileges.

This point of view goes hand in hand with the scientific attitude toward the illegitimate mother which instead of destructively condemning or scorning any woman who has brought a child into the world without the legal sanction of her group, rather seeks to understand the underlying causes of heredity and environment which have brought her (and likewise the father of her child) to the illegal conduct in question. Illegitimacy is the result of biological, psychological and social causes following definite scientific laws and there is a responsibility of the community as well as of the individual for its occurrence. So firmly has this point of view become fixed in our thinking since Leffingwell's consideration of it in 1892 that there would be no value in emphasizing it here, did we not find the old point of view lurking in the otherwise excellent "Questionnaire Regarding an Unmarried Mother," by Mrs. Ada Eliot Sheffield.<sup>1</sup> Here the term "her shame" would seem to indicate on the part of even our most advanced thinkers in this field an occasional lapse to the less scientific and more inhuman attitude of condemnation and reproach. "Moral indignation," says Mr. Britling, "is the mother of most of the cruelty in the world," and J. Prentice Murphy voiced this thought at the National Conference of Social Work in Pittsburgh when he said "Much of what we have done and are doing

<sup>1</sup> M. E. Richmond, "Social Diagnosis," p. 414.

for the unmarried mother in contrast with other mothers is steeped and saturated in a superheated, emotional, pseudo-moral atmosphere and I submit to you the observation that no such atmosphere can really make for helpfulness." <sup>2</sup>

While this point of view has taken a firm hold of our thinking, it is only just being applied to our case work with the illegitimate family, which is still decidedly in the experimental stage. Case work with the illegitimate family is seeking to work out principles whereby the interests of the illegitimate child and those of both its father and mother may be harmonized with the best interests of society. This end will be secured when the responsibility for the illegitimate child is more evenly shared by the father and mother as well as by the state. The Castberg law of Norway is being watched with great interest by social case workers as probably the most advanced experimentation in this field, inasmuch as it gives to the illegitimate child among other things the right of paternal inheritance, of paternal name and of the standard of life of that parent which is better situated. The Minnesota Children's Code is also advanced in that it makes the state the ultimate guardian of all its disadvantaged children, including the illegitimate, and therefore it is the work of the State Board of Control to institute proceedings to establish paternity or to see that such proceedings are instituted, as well as to seek in other ways to secure for the illegitimate child the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful marriage. Further and better standards of case work in this field must be established by studying experimentally the question of removing the evil effects of the stigma in illegitimacy. Only injustice is done in allowing this to attach to an innocent child and we must get evidence to show us when the welfare of society is furthered by having a stigma placed on one or both parents. Above all, in line with the findings of modern criminology, emphasis must be placed upon the reëducation of the individuals involved, not upon either punishment or stigma.

#### INFORMATION NEEDED

In gaining the necessary information for a diagnosis in working with any illegitimate family, the case worker, utilizing the same sources of information as worked out for all forms of social diagnosis,

<sup>2</sup> From an unpublished paper.

must exercise the greatest tact and consideration. She must make unusual efforts to gain the friendship and confidence of the mother; on account of public opinion, the client has undoubtedly been put on her guard, feeling that everyone is against her. Sympathy and understanding are needed to win her and for these reasons it follows that investigation must be gradual. In some cases it will be necessary to find out the most intimate facts of any individual's life, facts which it is often not necessary to inquire into in any other kind of case work. This is all the more reason for going slowly and carefully with deep consideration and with a realization that harm may be done if the client feels that she is being probed or that she is being forced to reveal information which may be used against her or against the father of her child. It must also be realized that many girls may become morbid and an effort must be made to keep their minds off their experiences rather than to allow them to dwell on them. It is vital that our investigation should be thorough, tapping every resource. Failure to learn all possible facts at the proper moment has undone years of effort. The writer calls to mind a case which had been handled by a relief agency with high standards over a period of seven years during all of which time it was taken for granted that the man and woman were legally married and it was only at the end of this time when an illegitimate child was born to the daughter of the family by her supposed step-father that it was discovered that he was not her step-father and had never been married to her mother. Had this been known earlier, precautions could have been taken to protect this girl and this case of illegitimacy might have been prevented. It is particularly important that in all case work marriage and birth records should be consulted among the first sources of information; they involve the telling of no secrets, are entirely trustworthy and should never be neglected.

It is hoped the following outline for a minimum investigation may be suggestive:<sup>3</sup>

<sup>3</sup> The Boston Conference on Illegitimacy has also worked out a minimum investigation which may be obtained from the President, Miss Mary Byers Smith, Andover, Mass. An outline for a maximum investigation has been worked out by the Inter-City Committee of the Boston Conference. See also Questionnaire by Mrs. Ada Eliot Sheffield in "Social Diagnosis" by M. E. Richmond, p. 414, referred to above.

## I. The Girl or Woman

1. Her family
  - a. Heredity and health of family
  - b. Social history of family
    - (1) Occupations
    - (2) Earnings
    - (3) Marital history
    - (4) Type of family life, including size of family, education of both parents, religion, etc.
    - (5) Boarders, lodgers, etc.
    - (6) Relatives other than immediate family
2. Her general history
  - a. Date of birth
  - b. Place of birth
  - c. Race
  - d. Residence
  - e. Civil condition
  - f. Marital history and composition of family, if any
3. Her health
  - a. Past history
  - b. Present condition
    - (1) Doctor's examination
    - (2) Wasserman or other test if advised
4. Education and mentality
  - a. Length of time in school
  - b. Age, grade and reason for leaving
  - c. Vocational or other training
  - d. Mental examination
5. Occupational history
  - a. Occupations and how long held
  - b. Earnings in each
  - c. Capability as learned from teachers, employers and others
6. Recreation
  - a. Kinds and extent
  - b. How supervised
7. Religion
  - a. Church connections, their extent, duration and influence
8. Sex life
  - a. Was her adolescence normal?
  - b. Was she ever given instruction in matters of sex and if so, by whom and when?
  - c. What has been her sex experience, including her relations with the father of her child?

## 9. Other facts

- a. Age at leaving home, reasons and conditions under which she has since lived
- b. Court record
- c. Institutional record
- d. Known to other agencies

## 10. Relations to child

- a. Ability to care for child
- b. Desire to care for child

## II. The man

All of the above facts, with special emphasis on marital history, composition of family if any, and economic capacity

## III. The Child

1. Date of birth
2. Place of birth
3. Physical condition
  - a. Doctor's examination
4. Dispositions
5. Mentality as soon as child is old enough for this to be ascertained

In making our inferences from the facts which have been learned by the investigation, great precautions must be taken. In the field of sex there is much prejudice and likewise much that is pathological. We must utilize the help of experts wherever possible. <sup>4</sup>

"And a little child shall lead them." In our work with the illegitimate family, our strongest ally is the child. How frequent it is in the experience of every social worker that while during the pregnancy of an illegitimate mother, everyone turns against her, when the child comes, it makes an irresistible appeal and wins its own way into the hearts of those who should care for and protect it. Therefore our first effort should be to give the child every opportunity to be seen and loved and cherished, first by its mother, then by its father and lastly by its other relatives.

## REMOVING THE CHILD'S HANDICAP

After all it is the child that is our real interest and it is his or her welfare that we are most vitally interested in securing. We have emphasized above that the illegitimate family is a unit and as social workers we consider all the members together. This does not

<sup>4</sup>See Chapters IV and V of "Social Diagnosis" by M. E. Richmond; also William Healy, "Mental Conflicts and Misconduct."

vitiates the fact that the welfare of the child is supreme and that we work for the welfare of the father and mother largely in order that we may do our utmost for the child. This plastic little creature, full of possibilities, must have its future safeguarded; we must seek to give him or her the best possible nurture and support, as nearly as possible as if he had been born in wedlock. It is our privilege and our problem to see how we can conquer social conditions so that he will be handicapped as little as is humanly possible. How shall we accomplish this result?

We must take into account the character and potentialities of both parents, arousing them if possible to make a plan of their own. We must meet them on their own level, working with them in order that they may understand their own problems and develop their own resources and character to meet their situation. It has been pointed out that we must remember that the father as well as the mother may be in vital need of our help, that he too may be passing through a moral and spiritual crisis needing friendship and guidance. Above all we should not make a plan for our clients and seek to force it upon them regardless of their coöperation. Such work is pedagogically unsound in that it fails to arouse the individuals to self-help and independence.

Having eliminated the idea of punishment, we shall try to arouse in both parents a love for and a responsibility for the child. We shall help the mother to get away from a sense of shame and arouse pride and joy in the life of the child; we shall try to inspire or liberate the father's protective instinct toward his child, arousing any paternal feelings that he may have. We shall reconcile out of court whenever possible, first considering marriage (if both the man and woman are unmarried). This however must never be forced. When in such cases there is genuine affection or respect between both parents or when in both a real affection for or interest in the child appears, then marriage may be the best solution if both parents so decide. If marriage is not the best solution, then seek to arrange voluntary agreements, legally sound but out of court, thus doing away with the undesirable publicity which has to occur even in our best courts. Such voluntary agreements out of court should not be accepted if the amount agreed upon is much less than it would be if the case were won in court.

As a last resort the majority of cases should be taken to court,

the paternity of the child established and a court order placed upon the man. It is remarkable in how many cases the self-respect of a girl is increased when the paternity of her child is established. This must be done also because every illegitimate child has a right to know who its father is. Are we not in this country beginning to feel that the Norwegian ideal of securing support in every case is practicable and desirable or at least that it should be secured far more generally than it now is? This means that better court methods and more humane ways of dealing with the mother will have to be devised and also better machinery for enforcing the orders which many of our courts are placing upon many fathers of illegitimate children. The amount of these court orders will inevitably be increased, especially in the case of any men who are economically well off and in such cases the period over which such orders shall be paid will undoubtedly continue to increase. In all of these court orders we must differentiate between the just claim of society for the economic support of the child by its father and the questionable claim of the mother for damage done her or the equally questionable claim of society for punishment of the individual man for violating its moral code. Economic support from the man (as well as from the woman) is to be enforced, for failure to support any child is a crime which the state cannot tolerate for its own well-being.

#### INDIVIDUALIZATION OF TREATMENT

So far in our discussion of treatment, we have failed to stress a principle of case work which is as vital in work with the illegitimate family as it is with the legitimate. This principle is individualization of treatment. The day is past when all illegitimate mothers were sent to a rescue home as they were considered to need moral reformation to atone for the sin they had committed. It is still true, however, "that there are few tasks requiring more individualization and there are few in which there has been so little."<sup>5</sup> Individual differences are the basis of social life. So complex is human nature, so varying are the threads that combine to make up an individual life that in no two cases will our diagnosis be the same and in no two cases will our treatment be identical. One test of good case work with this group as with any other is the ability to be flexible, to adjust ourselves to the changing needs of the individuals whom we

<sup>5</sup> M. E. Richmond, "Social Diagnosis," p. 413.



are to help. This being so, we must hesitate to lump any of these groups into classes or a series of classes. The affixing of a label may apparently simplify our work, and we yearn for simplification in a field so fraught with difficulties. We therefore question the classification Mr. Carstens made in his discussion at the National Conference at Pittsburgh when he divided illegitimate mothers into three classes, the good, the vicious and the defective. It is true of course that those illegitimate mothers who are diagnosed as feeble-minded by a psychologist do constitute a group by themselves. This, however, is the only group that can be scientifically measured off, and even within this group we must to a certain extent apply the principle of individualization of treatment. In the main the dangers of classification more than offset the advantages.

From the first, it is vital that the health of the mother and baby be protected. The infant mortality of illegitimate babies is three times that of legitimate. For this reason we must encourage the illegitimate mother to seek medical advice as soon as possible after conception and to continue it regularly during pregnancy and after the birth of her child. For this reason as well as for others some social agency should continue care of both mother and baby as long as possible. Under the Minnesota Children's Code, the State Board of Control may offer to the unmarried woman about to become a mother its aid and protection even before the birth of her child and it is further provided that where a woman is received in a hospital expecting the maternity of an illegitimate child, the person in control shall at once notify the State Board of Control. In other places where there is no such provision, it is disputed whether one central agency should handle all the cases of this kind or whether those agencies that naturally first come into contact with them should continue their care. Some hospitals are doing unusual work with this type of case, e.g., the Social Service Department of the Massachusetts General Hospital which works with the mother a long time before the birth of the child, endeavoring to instill in her an interest in keeping the child when it is born, preparing her mind and her mode of life.

It seems vital in the majority of cases to keep the mother and child together at least for the first six months of the child's life, when the mother should be helped to nurse the baby. Nursing a child successfully, however, is so largely a psychological matter that it is

not enough merely to keep mother and child together but we must so place the mother that she may have the maximum of content as well as of physical well-being. One questions whether a mother can be forced to nurse her child. Should we not rather bring her to see it as a joy and a privilege in order to safeguard her baby's life? The problem of supplying work for her at this time is a difficult one. In some cases it is possible for the mother to act as wet-nurse to other children and thus to support herself and her child. Some maternity hospitals are keeping the mother in the hospital long enough to train her in some form of employment and to assist her in securing the same, allowing her to live in the hospital and to keep her child there while she begins her work.

#### PERMANENT WORK FOR THE MOTHER

The problem of the best regular work for the mother after the nursing period is a pressing one. In the past, domestic service has been the usual solution. Domestic service, however, supplies more illegitimate mothers than any other occupation. Is this not because domestic service is the most unstandardized of all types of work? Its hours of work are excessive, there is little opportunity for recreation or normal companionship and it is an occupation that is considered menial by the average person of intelligence, with the consequence that the most unskilled workers enter this field. If domestic service seems the occupation fitted to a given individual's tastes and abilities, should we not seek to give them training first in this field and then to find them opportunities to work with employers who will understand their need of a sane, wholesome life, including standardized hours, recreation and companionship? The problem of recreation and social life for the domestic employe is one which intelligent women must solve. Until we can find more socially minded employers, should we not hesitate to place illegitimate mothers at domestic service but rather seek to find other types of employment fitted to the individual's capacity and training? How the mother is to do various types of work and still keep her child is a problem.

The ideal solution is where the mother can live in her own parental home, doing part time work in the home or going out to work while some member of her own family looks after her child. If this is not possible, it is sometimes feasible to find a boarding home where the

mother may live with her child, going out to work by the day and leaving her child in the care of the woman with whom she is boarding who may herself be the mother of small children. The more normal such a home life, the better for our client and for the child. Whatever work is found should be interesting, with adequate remuneration and allowing some chance for advancement. Wherever possible an effort should be made to secure funds either from relatives or from scholarships to give the mother vocational training to equip her for a more highly skilled and more interesting type of work.

#### A NORMAL LIFE FOR THE MOTHER

Above all we should aim in treatment to reinstate the mother in normal life, that is, to place her in such a way that in addition to interesting, remunerative work, she will have normal social contacts, companionship with others of her own age, if possible of both sexes under supervision. She needs wholesome recreation supplied to her through clubs, in settlements or church or trade union groups. She needs to feel herself a personality with possibilities of life ahead. And all of the above must be supplied to the child as he grows up. In addition we must seek to make for both mother and child the normal religious contacts, helping the mother to find her place in her church group if she at one time belonged or, if not, opening up this possibility for her in whatever way may best fill her need. For both mother and child strength from this source may do much in helping them to face the extreme difficulties of their lives which we at best can but soften.

If the above conditions can be fulfilled and the mother and child can be kept together, there must be a gain for both. The relation of parent and child when it really exists is basic and is one which should never be broken until every effort has been made to strengthen it and test out its reality. The child needs the family life and ties and the mother needs the child. Yet, as in the case of marriage, we should not force the external living together if it is only the shell of the relationship which is existing. Keep mother and child together, then, if the mother is fitted to give physical, mental, moral and at least part of the financial care to her child and to be happy in doing it. Under such conditions it would seem as if no other plan could so securely safeguard the child's future. If, however, the mother is not fitted to give such care to the child, and cannot be trained for

it while the child is with her, it seems unwise to keep mother and child together. Perhaps a temporary separation may be the solution, in order that the mother may be trained for more adequate parenthood in the future. If she is incapable of being trained under any circumstances, it seems clear that a plan should be made for the child away from its mother, with her relatives if possible, with the father or the father's relatives or in some other situation where it will have as nearly as possible normal home life. In the case of a defective mother the baby should be separated from her just as soon after birth as the physician deems wise.

In cases where there is no relative who can adequately care for the child, we are faced with the question of adoption. In this volume of *The Annals* J. Prentice Murphy has outlined certain questions which must be answered before the legal adoption of any child is arranged for.<sup>6</sup> We must stress the fact that this should never be encouraged until we know all the facts about the child's own parents and relatives and are reasonably sure that they can never offer it a suitable home. The writer has in mind a case where a social service worker made only a cursory examination into a child's home situation before securing its adoption by a wealthy doctor. At the time she thought that the father had deserted and she knew nothing of the possibilities of his returning and the family being restored to normal life. Although it later turned out that the child was illegitimate, it was by no means clear that the child's own relatives could not have cared for it adequately. Untold harm may be done in this way. Another aspect of the matter that should be considered is that of disease and heredity. No child that is of diseased and no child of feeble-minded parents should be placed in any home for adoption until the foster parents know the full facts of the case and are ready to take every precaution to see that the disease is not passed on to others and that later in life the defective germ-plasm is not mated with normal stock, thereby passing on the defect and causing much preventable misery.

#### DEALING WITH THE ILLEGITIMATE FAMILY

Should case work with the illegitimate family be conditioned by exactly the same considerations as case work with the legitimate

<sup>6</sup> See his article in this volume on "The Foster Care of Neglected and Dependent Children."

family? This question has been variously answered: in one way in a paper at the recent National Conference in Pittsburgh, and in various ways by the different conferences on illegitimacy in their more intimate councils. Our answer is that it both should and should not be. In the main "the methods and aims of social work are or should be the same in every type of service."<sup>7</sup> The individuals constituting the illegitimate family do not necessarily differ in any wise in physique, character or ability from those constituting the legitimate family.<sup>8</sup> The principle of individualization of treatment applies equally in our work with both groups. There is, however, one factor which is present in every case of illegitimacy which in the opinion of the writer inevitably affects our case work with this group. That fact is that the man and the woman have both broken the law or the "mores" of the larger social group in which they live. It is true that the laws concerning illegitimacy have varied in a most interesting way as we follow down the pages of history, but failure to conform is a distinct social phenomena which must be studied. Therefore in every case of illegitimacy we have an added consideration to study, *i.e.*, why did both the father and mother break the law and bring a child into the world without the legal sanction of their group? In the widowed group the specific maladjustment which brings the woman to our attention is of a different kind; in the deserted wife group the man and woman have followed the law at least to the extent of legally forming their family and the man has given the woman and child his protection for at least a period. In the illegitimate family the psychological attitude of both the man and the woman will inevitably reflect the fact that they have broken the law and we must understand in just what way this is so.

In the second place, case work with the illegitimate family will be conditioned by different considerations than that with the legitimate family group in that treatment with the illegitimate mother must always bear in mind and depend upon what society's attitude is toward the girl. Public opinion is such a strong force and can punish so severely those whom it condemns that we must reckon

<sup>7</sup> M. E. Richmond, "Social Diagnosis," p. 5.

<sup>8</sup> Undoubtedly a certain percentage of unmarried mothers are feeble-minded but this is also true of married mothers. There are probably more feeble-minded among the illegitimate mothers than among the legitimate but this tells us nothing concerning any individual in either class.

with it, no matter how unjust we may consider its decisions to be. This is well illustrated by the case of Mrs. B, a widow with five children whom a relief agency had been assisting since the death of her husband. When calling on the undertaker to learn the number of her husband's grave, he assaulted her with the result that she became pregnant. From previous experience with this woman and from all that could be learned, she was entirely innocent of any wrong, but the problem that faced the case workers was inevitably very different from that which would have faced them under any other conditions. The coming child had been conceived contrary to the laws of society and public opinion must be reckoned with in our work with this mother, with her child and with its father. The social case worker in this case has a definite responsibility thrust upon her to educate public opinion by her case work to a more just attitude. It may be a great temptation to do the easy thing, to help the mother move to a different locality and to start life afresh, but two conferences which deliberated long and carefully on this case felt that such a plan would be cowardly and that it was a definite responsibility to help the mother through her confinement and to return her to the community in which she lived. Then with economic help from the father of her child, as well as from the social agency, she could show that the mother of an illegitimate child can be worthy of confidence and can in every sense of the term be a good mother to her illegitimate child as well as to her legitimate children.

Social case workers then who are working with the illegitimate family must do much hard and careful thinking. They must have in mind the historical development of the family, must be in touch with the findings of modern criminology and above all, must have courage and sympathy to work with their clients, on the one hand reëducating them and, on the other, reëducating public opinion. The maladjustment which results in the problem of the illegitimate family is part of our evolving standards of family life.

May we not therefore emphasize the need of a higher conception of parenthood and of family life as a means of preventing this very evil? The maladjustment which resulted in the birth of an illegitimate child came partly at least through ignorance or the failure to realize the wonderful responsibility and great possibilities of sex in its finest sense. We must see that the right kind of sex education is given to the illegitimate child in its turn in order that

he may see the full measure of his possibilities. But if our case work is to be truly sound, we cannot stop by applying this only to the illegitimate child but we will do all in our power to supply every child with a sound foundation in health, vocational education, normal social contacts and recreation, and, above all, to give it the vision of what life may mean when every individual man and woman keeps sacred and untouched this creative power of sex until its exercise will bring only joy to the individual and welfare to society.